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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

EZEKIEL PEREZ,

Defendant and Appellant.

F055867

(Super. Ct. No. VCF181605)

ORDER MODIFYING OPINION
[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on March 23, 2010, be modified as follows:

On page 23, the ninth line of the first full paragraph, beginning with the words, “Although this trio ... “ is changed to read as follows:

Alejandro Salazar, Flores and V.C. testified that they saw the driver and passenger in the suspect vehicle at the time of the offenses and offered a general description of their features. However, Salazar was unable to select appellant’s picture from a police photographic lineup prior to trial. Moreover, Flores and V.C. were unable to identify appellant at trial. Nevertheless, Salazar did testify at trial that appellant was the driver of the Honda on the day of the offenses.

There is no change in the judgment.

Poochigian, J.

I CONCUR:

Gomes, J.